



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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July 21, 2016

Trevor Lloyd  
51 Killarney Drive  
Morgantown, WV 26505

**RE: V16-15 / Lloyd / 574 Killarney Drive  
Tax Map 55, Parcel 18**

Dear Mr. Lloyd:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petition relating to the proposed development at 574 Killarney Drive. The decisions are as follows:

**Board of Zoning Appeals, July 20, 2016:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a two and a half (2.5) foot variance from the front setback standard for an addition as requested without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

**ADDENDUM A – Approved Findings of Fact**  
**V16-15 / Lloyd / 574 Killarney Drive**

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**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This variance does not encroach on any other private properties, does not affect the floodplain in anyway, does not affect utilities and does not block line of sight for vehicular or pedestrian traffic.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

There exists a 20-foot wide MUB utility easement in the area where the petitioner seeks to construct the proposed addition. This easement is for a 15-inch diameter sanitary sewer main which would be cost prohibitive to move. Therefore, the petitioner can only expand 12 feet out from the rear of the house. According to the petitioner, in order to make this addition worth the expense and effort it has to meet the petitioner's needs the petitioner seeks to extend out a little further into the front setback standard than zoning regulations Article 1363.02(C) allow.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

There exists a 20-foot wide MUB utility easement in the area the petitioner seeks to place the proposed addition. This easement is for a 15-inch diameter sanitary sewer main which would be cost prohibitive to move. Therefore, the petitioner can only expand 12 feet out from the rear of the house. According to the petitioner, in order to make this addition worth the expense and effort it has to meet the petitioner's needs the petitioner seeks to extend out a little further into the front setback standard than zoning regulations Article 1363.02(C) allow.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

This appears to be a special case due to a public utility line and easement crossing the petitioner's property that services the entire area. If this utility did not exist on the petitioner's property, as it does not exist on the neighboring properties, the petitioner would have been able to design an addition to a more desirable shape to meet all related setback regulations. As it stands, the petitioner has designed to this particular shape and is asking for a variance. The petitioner recognizes the proposed addition has a long wall on the side that will be visible from the public street. According to the petitioner, the following architectural design elements will be incorporated to add aesthetic interest: a step back, broken up the roof lines, high end cladding, and additional windows and shutter.